

REMARKS

The Office Action Summary accurately notes that the Office action is Non-Final. The Conclusion paragraph of the Office Action notes that "THIS ACTION IS MADE FINAL". It is our understanding that this statement is a typographical error and that the Office action in fact a Non-Final action. A telephone call to Examiner Parra on January 12, 2009 confirmed that the Office action is a **Non-final action.**

Claims 1, 2, 4-10, 12-17, 19-22, 24-30 and 32-37 are in the application.

Claims 1, 9, 17, 22 and 24 are amended. No new matter is added.

Claims 23 and 31 are cancelled without prejudice or disclaimer.

Claims 3, 11 and 18 were previously cancelled.

Continued Examination Under 37 CFR 1.114

Withdrawal of the finality of the previous Office Action and entry of Applicant's submission filed on August 1, 2008 is noted with appreciation.

Claim Rejections – 35 USC § 103

The rejection of claims 1, 2, 9, 10, 17, 22, and 23-33 under 35 USC § 103(a) as being unpatentable over Simmons et al., (Pub. No. 2006/0085821) in view of NPL document "introduction to DDL", in further view of Lupulescu et al., (Pub. No. 2003/0030751) is traversed.

Applicant's invention discloses a short message generating method in a Video-on-demand system having a receiving unit for receiving a user demand; a program information generating unit for generating, according to the user demand, program information including at

least a User Identifier field and a Program Identifier field of the demanded video program; an Authentication field generating unit for generating an Authentication field according to the program information generated by the program information generating unit; and an output unit for outputting said program information and the Authentication field as a demand short message to the short message sending means (page 6, lines 12-20). All the fields in the generated demand short message except the Authentication field are encrypted (page 9, lines 23-26).

The demand short message is sent to the demand short message processing means (Fig. 1) where a check is made whether the user is legal by using the Authentication field (page 13, line 28). Whether a user is legal is checked by calculating from the generated demand short message an Authentication field (calculated Authentication field) and comparing the calculated Authentication field with the received Authentication field in the demand short message. When the two Authentication fields are identical, the user is legal. (page 14 lines 1-15).

The references cited, either separately or combined, neither disclose nor suggest determining if a user is legal by calculating an Authentication field from the received short demand message in the demand short message processing means, and comparing this calculated Authentication field with the received Authentication field in the short demand message. The user is legal only when the two Authentication fields are equal.

Amended claim 1 recites the features of,

“A Video-on-Demand method for demanding a video program via a short message, comprising the steps of:

generating, at a user end, a demand short message including information on the demanded video program, said demand short message including at least a User Identifier field, a Program Identifier field of the demanded video program and an Authentication field;

encrypting the fields in the generated demand short message except the Authentication field at the user end;

sending said encrypted fields and not encrypted Authentication field in the generated demand short message to a demand processing means at a program delivering end where an Authentication field is calculated, said sending including communicating said generated demand short message via a wireless communication from a mobile phone device;

receiving the demand short message at the program delivering end, decrypting and processing the short message to extract the user identifier and the program identifier and comparing the calculated Authentication field with the received non-encrypted Authentication field to authenticate legality of the user when said two fields are identical;

after authenticating the legality of the user successfully, sending program content corresponding to a program identifier from the program delivering end to the user end indicated by the user identifier; and

receiving the demanded video program at the user end” (underscoring added for emphases).

Clearly, none of the references, either separately or combined, disclose or suggest what is now positively recited in claim 1, that of calculating an Authentication field from the short demand message and comparing the calculated Authentication field with the Authentication field in the short demand message to identify a user as being legal when the two Authentication fields are identical. For the reasons noted, claim 1 is in condition for allowance. Claims 2, 25 and 26 depend from claim 1 and are in condition for allowance.

Claim 9 is amended to positively recite the distinguishing features now recited in claim 1 and, therefore, is also in condition for allowance. Claims 10 and 27 depend from claim 9 and are in condition for allowance.

Claim 17 is amended to now recite the features of, "...sending said demand short message to a demand short message processing means at a program delivering end for calculating an Authentication field, and comparing the calculated Authentication field with the received Authentication field in the demand short message to authenticate legality of the user when said two Authentication fields are identical...". Clearly, for the reasons noted above, claim 17 avoids the references cited and is in condition for allowance. Claim 28 depends from claim 17 and is in condition for allowance.

Claim 22 avoids the references by reciting, in combination, the features of calculating an Authentication field, and comparing the calculated Authentication field with the received Authentication field in the demand short message to authenticate legality of the user when said two Authentication fields are identical. Therefore, independent claim 22 and dependent claims 29 and 30 are in condition for allowance.

Claim 24 is amended to recites the features of amended claim 1 and, for the reasons noted above, is in condition for allowance. Claims 32 and 33 depend from claim 24 and, therefore, are in condition for allowance.

Claim Rejections – 35 USC § 103

The rejection of claims 4-8, 12-16 and 19-21 under 35 USC § 103(a) as being unpatentable over Simmons et al., (Pub. No. 2006/0085821) in view of NPL document

“introduction to DDL”, in view of Lupulescu et al., (Pub. No. 2003/0030751), In further view of Needham et al., (Pub. No. 2003/0177495)is traversed.

Claims 4, 5, 6, 7 and 8 depend, in varying degrees of scope, from claim 1 and, therefore, for the reasons noted above are in condition for allowance.

Claims 12, 13, 14, 15 and 16 depend from claim 9 and, therefore, are considered to be in condition for allowance.

Claims 19, 20 and 21 depend from claim 17 and are also considered to be in condition for allowance.

Claim Rejections – 35 USC § 103

The rejection of claims 34-37 under 35 USC § 103(a) as being unpatentable over Simmons et al., (Pub. No. 2006/0085821) in view of NPL document “introduction to DDL”, in view of Lupulescu et al., (Pub. No. 2003/0030751), in further view of Wiedeman et al., (Pub. No. 2002/0032799)

is traversed.

Claims 34, 35, 36 and 37 depend from claims 1, 9, 17 and 22 respectively and, therefore, each is considered to be in condition for allowance.

In view or the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below if the Examiner believes any issue can be resolved through either a supplemental Response or an Examiner's Amendment. In view of the above amendment, applicants believe the pending application is in condition for allowance.

Respectfully submitted,



Steven Fischman
Registration No. 34,594

SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
516-742-4343
SF/EW/ech